

Law Enforcement Advisory Board Meeting  
Minutes of Meeting  
September 6, 2012

- Rick Gauthier called the meeting to order at 1:08 pm with Board members, Karen Horn, Tom Hanley, Dave LeCours, Cindy Maguire, Paco Aumand, Colonel L'Esperance and non-board members Jonathan Williams (VLCT), Chief Steve McQueen, and Suellen Royea present. James Leene and James Hughes joined the meeting during the Constable Issue Update and Non-Bias Policing Updates.

Old Business:

- Working Group Update: Rick Gauthier reported that the working group assigned to work on licensing is taking testimony and has one (1) more person to meet. Then the working group will meet and report back to the Board in November. It was noted that Vermont's practice is minimal when compared to other states and does not serve the purpose intended. Part of what the working group is working on includes where the de-certification process begins. It was noted that there are some challenges ahead with some concerns around de-certification, licensing, and accountability. Rick described how the Education Department investigations work.
- Constable Issue Update: Rick Gauthier explained that there is an attempt to comply with the law. He noted that notices asking about FTO possibilities were sent out but no one responded positively. Steve McQueen made a suggestion and noted that the law allows a town to hire a temporary employee, a certified law enforcement officer, to train the constable. This provision is costly and does have a time limit. Cindy Maguire inquired if there have been any constables that have requested training where the Academy could not offer it. Rick noted the Academy has not received such a request and that there are some constables who have started the process, but are having trouble getting the FTO piece. Karen Horn noted the VT League of Cities and Towns will be sending out letters with the Academy to towns inquiring about their constables. Rick noted that he is confident that part of the legislation will be revisited as it is not possible to comply. Jonathan Williams passed out a pamphlet the VT League of Cities and Towns are updating on Policing Options for Local Government and asked for any comments/photos. Steve McQueen noted the pamphlet should highlight that a Chief needs to be a certified police officer to be Chief.
- Update on Non-Bias Policing Model Policy: Cindy Maguire updated the Board on the working group's progress to develop key components, the language change to Fair and Impartial Policing Policies from Non-Bias Policing and how they drafted the key components. A handout of the key components was passed out. She shared some of the discussions about the use of "should" versus "shall" while developing the key components. Cindy noted that she attended a training

conducted by TJ at the Academy to the new recruits and found it to be very good and a starting point and asked if the Board would like the working group to continue their work and draft a model policy. The general thought was it would be good to have a model policy. There was a brief discussion around accountability, giving communities some guidance, and whether there would be any substantive change in the language for those policies already in place. It was noted that there should not be any substantive language changes and the model policy would be for those that do not have a policy. Cindy noted that the working group will continue its work and will also reach out to TJ regarding the human trafficking piece.

New Business:

- Confidentiality Issues in Personnel Investigations: Rick Gauthier noted that the Legislature is looking for input from the LEAB, ACLU, VLCT & VPA (VT Press Association) regarding S.87 around confidentiality issues in personnel investigations. He invited Steve McQueen to share his knowledge on this topic. Steve summarized the difference between confidential versus public records and shared some of the issues discussed in the Legislative Committee. Rick Gauthier noted that there are some questions that the LEAB needs to report on; one of which is if/when should results be disclosed. After a brief discussion, Steve McQueen and Karen Horn were asked to work on creating a document that answers the questions based on what we are currently practicing and circulate it to the Board. They both agreed.
- Next meeting is October 11, 2012, 1:00 pm, at Department of Public Safety Headquarters, 3<sup>rd</sup> floor conference room.
- Paco Aumand made a motion to adjourn. Cindy Maguire seconded the motion. Meeting adjourned at 2:11 pm.